

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DENNIS MONTGOMERY and the  
MONTGOMERY FAMILY TRUST,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC;  
WARREN TREPP; and the  
UNITED STATES DEPARTMENT  
OF DEFENSE,

Defendants.

AND ALL RELATED MATTERS

3:06-CV-00056-PMP-VPC  
**BASE FILE**

3:06-CV-00145-PMP-VPC

**ORDER**

Before the Court for consideration is Plaintiffs/Appellants' Certification of Interested Party/Appellee's Designation of Improper Transcripts Pursuant to Ninth Circuit Rule 10-3.1(f) (Doc. #957), filed on February 12, 2009. Interested Party/Appellee Michael Flynn, filed a Response and Request for Sanctions (Doc. #958) on February 19, 2009, and Plaintiffs/Appellants' filed a Reply Memorandum (Doc. #970) on March 2, 2009. Having read and considered the foregoing, together with Appellee's Initial Request to Appellant to Designate Transcripts (Doc. #949) filed February 1, 2009, and good cause appearing, the Court finds as follows:

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1           1.     This Court has jurisdiction to resolve the matters raised by the  
2 Certification of Appellee's Designation of Improper Transcripts (Doc. #957).

3           2.     Although the transcripts and minutes of the proceedings specified by  
4 Interested Party/Appellee from *In The Matter of The Search of 12720 Buckthorn*  
5 *Lane, Reno Nevada*, District Court Case No. 3:06-cv-00263-PMP-VPC ("Buckthorn  
6 Matter") were not lodged with the Court in the consolidated proceedings under Base  
7 File 3:06-cv-00056-PMP-VPC, the Buckthorn Matter proceedings in several respects  
8 were intertwined with the proceedings which occurred in the matter now on appeal  
9 herein. Thus the designations of transcripts and minutes made by Interested  
10 Party/Appellee Flynn are warranted.

11           **IT IS ORDERED that** Plaintiffs/Appellants' Certification of Interested  
12 Party/Appellee's Designation of Improper Transcripts Pursuant to Ninth Circuit Rule  
13 10-3.1(f) (Doc. #957) is DENIED, and that Plaintiffs/Appellants shall bear the cost  
14 of preparing such matters designated.

15           **IT IS FURTHER ORDERED that** Interested Party Michael Flynn's  
16 Request for Sanctions (Doc. #958) is DENIED.

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18 DATED: March 23, 2009.

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21 PHILIP M. PRO  
22 United States District Judge  
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